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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

| | | |
|-------------------------------------|---|--|
| KELLEY HAYES, |) | Case No.: 2:18-cv-01938-GMN-NJK |
| |) | |
| Plaintiff, |) | <i>Honorable Gloria M. Navarro</i> |
| |) | |
| vs. |) | <i>Magistrate Judge Nancy J. Koppe</i> |
| |) | |
| ATX PREMIER INSURANCE COMPANY; |) | JOINT MOTION TO DISMISS |
| NATIONSBUILDERS INSURANCE SERVICES, |) | DMA CLAIMS MANAGEMENT, |
| INC.; DMA CLAIMS MANAGEMENT, INC., |) | INC. WITH PREJUDICE |
| |) | |
| Defendants. |) | |

Plaintiff Kelley Hayes on behalf of minor child I.R. and DMA Claims Management, Inc., by and through their respective attorneys of record, stipulate and agree that Plaintiff's claims, whether asserted or not asserted and however styled, against DMA Claims Management, Inc. and other DMA entities, in the above-entitled action shall be dismissed with prejudice. Each party to bear its own attorneys' fees, costs, and expenses.

In Plaintiff's First Amended Complaint, Plaintiff had brought claims against a different entity, DMA Claims, Inc.¹ See ECF No. 6, Exhibit A. On March 8, 2019, the Court granted Plaintiff's Motion to file a Second Amended Complaint (ECF No. 43), which dismissed DMA Claims, Inc. and permitted Plaintiff to name DMA Claims Management, Inc. as an additional defendant. See ECF No. 43. Plaintiff's Second Amended Complaints no longer included claims against DMA Claims, Inc. See ECF No. 44. On May 3, 2019, the Court granted Plaintiff's Motion to file a Third Amended Complaint, permitting Plaintiff to name ATX Premier Insurance company and Nationsbuilders Insurance Services, Inc. as additional defendants. See ECF No. 53. Plaintiff's operative Third Amended Complaint also did not include any claims against DMA Claims, Inc. See ECF No. 57.

To the extent there is any uncertainty, Plaintiff and DMA Claims, Inc. agree that Plaintiff's claims against DMA Claims, Inc. are also dismissed with prejudice, with each party to bear its own fees, costs, and expenses.

DATED this 25th day of September, 2019

DATED this 25th day of September, 2019.

CRAIG P. KENNY & ASSOCIATES

**GORDON REES SCULLY
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/s/ Lawrence E. Mittin
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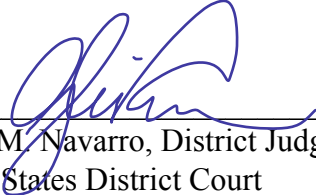
¹ Plaintiff's initial Complaint was not served upon DMA Claims, Inc. or DMA Claims Management, Inc. DMA Claims, Inc. removed this action from the Eighth Judicial District Court for Clark County, Nevada after it was served with process and the First Amended Complaint. ECF No. 6.

ORDER

IT IS HEREBY ORDERED that the above Joint Motion to Dismiss Claims Against Defendant DMA Claims Management, Inc. with Prejudice, (ECF No. 88), is **GRANTED**.

IT IS FURTHER ORDERED that in light of the above, the Motion to Dismiss, (ECF No. 17), and the Motion to Dismiss, (ECF No. 61), filed by Defendant DMA Claims Management, Inc. are **DENIED** as moot.

DATED this 26 day of September, 2019.



Gloria M. Navarro, District Judge
United States District Court

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